

RECEIVED

JAN 03 2002

TECH CENTER 1600/2900



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Man Sung Co et al.

Serial No.: 09/627,896

Filed: July 27, 2000

For: *HUMANIZED IMMUNOGLOBULIN REACTIVE  
WITH B7-2 MOLECULES AND METHODS OF  
TREATMENT THEREWITH*

Attorney Docket No.: GNN-5315DV1

Group Art Unit: 1644

Examiner: Gambel, P.

#19  
JM  
1/2/01

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

November 2, 2001  
Date of Signature and of Mail Deposit

By:

Meg E. Williams  
Megan E. Williams, Esq.  
Reg. No. 43,270  
Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is a response to the Restriction Requirement mailed from the Patent Office  
on October 2, 2001 (Paper No. 8).

The Examiner has required restriction of the invention under 35 USC § 121 to one of the following groups:

- Group I: Claims 1, drawn to methods of inhibiting the interaction of B7-2-expressing cells as it reads on autoimmune diseases with B7-2-specific antibodies, classified in Class 424, subclass 130.1.
- Group II: Claims 1, drawn to methods of inhibiting the interaction of B7-2-expressing cells as it reads on inflammatory disorders with B7-2-specific antibodies, classified in Class 424, subclass 130.1
- Group III: Claims 1, drawn to methods of inhibiting the interaction of B7-2-expressing cells as it reads on infectious diseases with B7-2-specific antibodies, classified in Class 424, subclass 130.1.
- Group IV: Claims 1-4, drawn to methods of inhibiting the interaction of B7-2-expressing cells as it reads on transplanted tissue with B7-2-specific antibodies, classified in Class 424, subclass 130.1.
- Group V: Claim 5, drawn to methods of inhibiting immune responses to transplanted tissue with B7-1-specific and B7-2-specific antibodies, classified in Class 424, subclass 130.1

If Applicants elect Group I the Examiner requires a species election for the autoimmune disease among the species of:

- Species:
- A) SLE;
  - B) diabetes;
  - C) arthritis; or
  - D) multiple sclerosis.

And also a species election for the inflammatory disorder among the species of:

- A) insulinitis,
- B) IBD, or
- C) inflammatory dermatitis

It is the Examiner's position that inventions I, II, III, IV, and V are patentably distinct because they are different methods, which require different ingredients, process steps, and endpoints.

Applicants hereby elect ***Group I with traverse***. Applicants traverse the restriction requirement to the extent that groups I-IV should be reformed as a single group containing Claims 1-4. Applicant's grounds for traversal are set forth below.

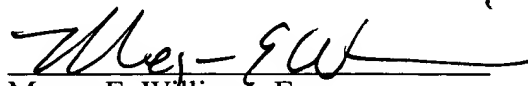
It is respectfully submitted that Applicant has presented an allowable generic claim, Claim 1, which is generic to the claims set forth in groups I-IV proposed by the Examiner. Claim 1 is drawn to a method of inhibiting the interaction of a first cell bearing a B7-2 receptor with a second cell bearing B7-2, comprising contacting said first cell with an effective amount of a humanized immunoglobulin having binding specificity for B7-2, said immunoglobulin comprising an antigen binding region of nonhuman origin and at least a portion of an immunoglobulin of human origin.

It is Applicants' position that given the presence of Claim 1, which is generic to groups I-IV proposed by the examiner, a restriction under 35 USC §121 is improper. It is Applicants' position that while a species election may be proper for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, an election under 35 USC §121 is improper since the claims are linked by an allowable generic linking claim. Claim 1 embraces at least each of the species set forth by the Examiner. If a species election is required, Applicants elect the species of transplantation for prosecution on the merits. It is Applicants' understanding that the search will be extended to the remaining species upon a finding of allowability.

If a telephone conversation with Applicants' attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicant's attorney at (617) 227-7400.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP

  
Megan E. Williams, Esq.  
Registration No. 43,270  
Attorney for Applicants

LAHIVE & COCKFIELD  
28 State Street  
Boston, MA 02109  
(617) 227-7400  
Dated: November 2, 2001

1644



LAHIVE  
&  
COCKFIELD  
L L P

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DeANN FORAN SMITH  
PETER C. LAURO  
JEANNE M. DIGIORGIO  
DEBRA J. MILASINCIC, Ph.D.  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.  
MEGAN E. WILLIAMS, Ph.D.  
RICHA NAND  
MICHAEL PHILLIPPS \*  
LISA M. DIROCCO  
HATHAWAY P. RUSSELL \*\*\*

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.

PATENT AGENTS  
THEODORE R. WEST  
SHAYNE Y. HUFF, Ph.D.  
DANIEL B. KO

TECHNICAL SPECIALISTS  
MARIA LACCOTRIPE ZACHARAKIS,  
Ph.D. \*\*

CYNTHIA M. SOROOS  
PETER W. DINI, Ph.D.  
EUIHOON LEE  
JENNIFER K. ROSENFELD  
ALLAN TAMESHTIT, Ph.D.  
CATHERINE E. McPHERSON  
ERIC F. WAGNER, Ph.D.  
SHAHID HASAN, Ph.D.  
JACOB G. WEINTRAUB  
PETER A. DIMATTIA  
JONATHAN M. SPARKS, Ph.D.  
CRISTIN E. HOWLEY, Ph.D.  
VINCENT P. LOCCISANO  
MERIDETH C. ARNOLD

\* Admitted in NY only  
\*\* Passed the Patent Bar Examination  
\*\*\* Admitted in TX only

November 2, 2001

Commissioner for Patents  
Washington, D.C. 20231

RECEIVED

JAN 03 2002

TECH CENTER 1600/2900

Re: U.S. Patent Application Serial No. 09/627,896  
Filed: July 27, 2000  
Inventors: Man Sung Co, *et al.*  
Title: "*Humanized Immunoglobulin Reactive with B7-2 and Methods of Treatment Therewith*"  
Attorney Reference No.: GNN-5315DV1

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Restriction Requirement; and
2. A return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:  
November 2, 2001  
Date  
Meg E W  
Megan E. Williams, Esq., Registration No. 43,270

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP

Meg E W  
Megan E. Williams, Esq.  
Registration No. 43,270  
Attorney for Applicants